



## COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

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April 9, 2007

JoAnne Jaschke  
California Environmental Protection Agency  
Unified Program Section  
1001 I Street  
Sacramento, CA 95814

Dear Ms. Jaschke:

Thank you for working with Tracy Gidel on the progress report for the Nevada County CUPA program. After reviewing the communication from your Department, I have prepared the following information to update you on the status of the remaining deficiencies.

The Nevada County Environmental Health Department has made significant progress in areas noted as deficient in the August 2006 review by Mr. John Payne with your office.

The Department's inspection information is managed using software, which is currently being developed by the Decade Corporation. The delivery of the software product is over a year behind schedule and at this time it is only possible to provide estimates of the requested information. Every effort was made to provide timely accurate information in this response even though the use of the current Decade reports are not designed for complying with the CUPA program reports 1-6.

At this time Nevada County cannot submit reports 1 and 2 until the software system is able to produce the information requested. The information provided in this correspondence covers the period of August to the date of this letter. This Department will provide all completed reports in the annual update. The software manufacture this Department relies on indicates that the CUPA portion of the system will not be functional until July 1, 2007.

**Deficiency 1:** From August 01 2006 until today the department has completed a 151 total inspections in the CUPA programs. The inspections have been in the following programs:

- 77 hazardous materials – Business Plans
- 33 UST facilities
- 41 Hazardous Waste Generator inspections

**Deficiency 2:** Cal/EPA recognizes the CUPA indicated there is a software lag, however the CUPA should submit a self-audit on Sept. 30, 2006 pursuant to Title 27 and include the following at a minimum:

The self-audit report due in September 2006 was not turned because the department was just beginning the process of transferring data into the new Decade software system. The following is an audit of our program with the current information available:

1. Summary of findings;  
Program Elements:

Nevada County Environmental Health Department (NCDEH) administers the CUPA regulatory requirements within Nevada County with the following elements: Hazardous Waste Generator, Hazardous Material Release Response Plan (HMRRP), California Accidental Release Prevention (Cal-ARP), Above Ground Storage Tank (SPCC), and the Underground Storage Tank, program element. There are no Participating Agencies within Nevada County.

The Unified Program is implemented and administered by the NCDEH Staff. The Department staff carries out all of the inspection and enforcement activities for all Unified Programs. The Unified Program is implemented by 5 FTE. This time includes the CUPA staff, and the CUPA Program Manager. A program activity report is not possible at this time, as the previous Department software did not provide a time summary report by program. The new system will not be operational until July 2007 and at that time we will only have limited data.

2. Report of deficiencies with a plan of correction;

- Complete the installation of the Decade Software, including the CUPA function, and implement its use.
  - We are currently revising our data entry protocol for time accounting for use in the new system and beginning the development of a training program for the entry of data into the new system when it is functional.
- Develop a plan to begin data entry of facility chemical inventory into Envision in order to streamline data flow.
  - The new system installation is underway, with an anticipated operational date of July 2007. There are ongoing systems test to determine the capabilities of what has been installed and it appears that the portions installed are independently operational. The final systems integrated test will be run once the CUPA module is installed. When the system is functional the Tablet PCs will be put into operation.
- Continue to improve our identification of facilities that handle regulated substances and request risk management plans from these facilities.
  - To improve our capability to implement the RMP program we have focused a substantial portion of one FTE to it. We have sent that staff person to several RMP training sessions.
  - The staff member assigned to the CalARP program has completed one inspection and conducted four other inspections with US EPA representatives. It is estimated that all facilities regulated under the CalARP program will be identified and inspections completed this year.
- Continue to improve inspection program at all of the agricultural facilities that handle hazardous materials or generate hazardous wastes.
  - We have posted the information regarding the **Farm Business Plan Exemption**. This information is available on the Departments DocuShare web collection which can be located at:  
<https://docs.co.nevada.ca.us/dsweb/View/Collection-1317>

- The department is planning a meeting with the Nevada County Agriculture Commissioner to obtain the information needed to identify all facilities to be regulated and identify the facilities that will meet the exemptions allowed.
3. Narrative summary of program element activities, including the effectiveness and efficiency of permitting, inspection, and enforcement activities undertaken;

## **A. Hazardous Material Release Response Plans**

### **1. Number and Types of Businesses Regulated**

During FY2006/2007, the NCDEH had regulatory oversight of an estimated 371 sites. This is an estimate, as the present data collection does not sort by business but rather by permits. A break out of permits by type is as follows.

- 356 Facilities with Business Plans
- 43 UST Facilities
- 190 Generate hazardous waste
- 1 conditionally authorized

### **2. Number and type of inspections completed**

The NCDEH inspects hazardous material release response plans under the California Health and Safety Code Chapter 6.95. There were 77 inspections made from August 1 to today.

### **3. Number and types of violations found**

There were 24 violations noted in this program during the reporting period of August 2006 to present. There was one civil enforcement action taken resulting in a penalty collected and one criminal action resulting in a probation sentencing. There were 12 informal enforcement actions taken to correct minor violations.

### **4. Enforcement actions taken**

One facility was referred to the Circuit Prosecutor for failure to comply with California Health and Safety, Code Division 20. Miscellaneous Health And Safety Provisions, Chapter 6.95, Hazardous Materials Release Response Plans And Inventory, Article 2 Hazardous Materials Management. The case was settled and a fine was assessed. A hazardous waste generator facility is currently in the AEO enforcement process. An enforcement policy has been completed that includes the AEO process as an option for Nevada County. A notice to show cause letter has been sent and a meeting held with the facility operator. This office is reviewing the information and is considering the penalty to be assessed and compliance schedule for the responsible party.

## **B. Underground Storage Tanks**

### **1. Number and types of businesses regulated**

During FY2005/2006 NCDEH regulated 44 businesses with USTs. The majority of these facilities are gasoline service stations. There were 33 inspections made from August 1 to today.

### **2. Number and types of violations found**

There were 28 violations noted in this program with 12 informal enforcement actions and one civil action taken resulting in the assessment of penalties.

### **3. Enforcement actions taken**

One facility was referred to the Circuit Prosecutor for failure to comply with California Health and Safety, Code Division 20. Miscellaneous Health And Safety Provisions, Chapter 6.7, Underground Storage Of Hazardous Substances and California Code of Regulations Title 23. The case was recently settled and a penalty is being collected.

## **C. Aboveground Storage Tanks**

### **1. Number and types of businesses regulated**

This Department was not able to identify the number of ASTs currently in Nevada County. The Department's policy is to refer all ASTs facilities to the RWQCB for guidance on completing an SPCC plan.

## **D. Hazardous Waste Generators**

### **1. Number and types of businesses regulated**

There are 190 facilities that are registered with this Department as hazardous waste generators. As the Unified Program continues to evolve, this Department will have a more accurate account of all the regulated facilities within Nevada County. The majority of the businesses are small mom and pop auto repair businesses and small manufacturing and construction businesses.

### **2. Number and types of inspections completed**

41 routine facility inspections were completed from August 2006 to date. Routine, complaint and follow-up inspections are conducted by this Department. During routine inspections staff distributed the Universal Waste Fact sheet to owners and operators, educating them of the requirements that apply to them.

### **3. Number and types of violations found**

There were 20 minor, two class 2, and one class 1 violation noted in this program with five informal enforcement actions, one civil, one criminal and we are currently using the AEO process on another case.

### **4. Enforcement actions taken**

One case is being reviewed in the AEO process for failure to comply with California Health and Safety, Code Division 20. Miscellaneous Health And Safety Provisions, Chapter 6.5 Hazardous Waste Control laws. This site also involves Business Plan violations

## **E. Tiered Permitting**

### **1. Number and types of businesses**

There is one facility that is registered with this Department under tiered permitting at this time.

### **2. Number and type of inspections completed**

NCDEH inspected the permanent household hazardous waste facility after August 1 and also the ABOP facility operated by Waste Management Inc. Both inspections were routine.

### **3. Number and types of violations found**

One violation was noted, follow-up is pending.

### **4. Enforcement actions taken**

An AEO has been issued to the operator of this facility and is in progress.

## **F. California Accidental Release Program**

### **1. Number and type of businesses regulated**

There are 12 facilities that are registered with NCDEH and are regulated under the (CalARP) program. These are wastewater and water treatment facilities that use chlorine gas in water and wastewater treatment processes. This Department expects to complete inspections at all of these facilities this year.

### **2. Number and types of inspections completed**

NCDEH completed one inspection noting 14 violations. An informal enforcement action is under way with this facility. The US EPA inspected four facilities accompanied by this department and provided information on compliance requirements.

### **3. Number and types of violations found**

Twelve violations were documented at the various facilities mostly involving paper work or missing required updates to operating plans etc. This department is working very closely with these facilities and conducting follow up to verify compliance.

### **4. Enforcement actions taken**

An informal enforcement action is being taken at one CalARP facility. The facility was recently upgraded to provide modern chemical process equipment. The facility failed to update the operating procedures and other facility documentation during the upgrade. This Department is working with the facility operators to complete all necessary documents.

4. A summary of new programs being included in the Unified Program;  
None

**Deficiency 3:**

The CUPA shall submit completed Summary Reports on Oct. 30, 2006.  
At this time the reports submitted represent the time period of August 2006 to present. This Department will submit all of the required reports by October 2007.

**Deficiency 4:**

Please provide the number of businesses that have certified that they have reviewed and updated their BP.

Current estimates are that 228 facilities out of 356 have certified an updated business plan to this Department. We are advising the remaining facilities that the updates were due in March and requiring submittal of a current plan within 30 days.

**Deficiency. 5:**

Provide an update of what the Ag commissioner is doing to regulate these handlers.

The Department has posted the forms necessary for complying with the Business plan requirements on the web in the Public collection of the DocuShare collection at: <https://docs.co.nevada.ca.us/dsweb/View/Collection-1317> . At this site information and forms for both the Business Plan and Farm Business Plan Exemption are available. Arrangements have been made with the Ag Commissioner for reference to be made to this information in his monthly report to the Ag community.

**Def. 11:** Please provide an update of what enforcements have been taken, i.e., number, names, etc. on violations (also provide the number).

Program	Facility	Operator	Status
BP - HW	ABOP At Transfer Station	Waste Management INC	In AEO Review process
HW	Kinder Morgan	Kinder Morgan	Referred to the DA
UST	DURHAM TRANSPORTATION INC	DURHAM TRANSPORTATION INC	Settled - Penalty collected last week
HW GEN	FRANZA	FRANZA	Settled – Penalty collected

Please do not hesitate to call me if you have any further questions at (530) 470-1464.

Sincerely,



Wesley Nicks, Environmental Health Director

## Report 3

## ANNUAL INSPECTION SUMMARY REPORT

27 CCR § 15290

Completed By: \_\_\_\_\_

04/09/07

Date Submitted: \_\_\_\_\_

Fiscal Year: 06/07

Nevada Co. E.H.

CUPA: \_\_\_\_\_

## INSPECTION SUMMARY

PROGRAM ELEMENTS	<sup>1</sup> No. of Regulated Businesses *	<sup>2</sup> No. of Regulated Businesses Inspected	<sup>3</sup> No. of Routine Inspections	<sup>4</sup> No. of Routine Inspections That Returned to Compliance within Established Standard	<sup>5</sup> No. of Other Inspections
A. Hazardous Materials Release Response Plans (HMRPP)	356	77	77	77	1
B. California Accidental Release Prevention (CalARP)	13	1	1	1	0
C. Underground Storage Tank (UST) Facilities	43	33	33	33	0
D. Aboveground Petroleum Storage Tank (AST) Facilities		0			
E. Hazardous Waste Generators (All)	190	41	39	39	1
F. RCRA Large Quantity Generators (LQG) (a subset of E)	0	0	0	0	0
G. Recyclers	1	1	1	0	1
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	1	0	0	0	0
I. Permit by Rule (PBR)--Household HW (HHW)	1	1	1	0	1

INDICATORS OF INSPECTION CONSOLIDATION BY INSPECTION CATEGORY:		<sup>6</sup> No. of Inspections
K. Combined Routine Inspections		35
L. Joint Inspections		2
M. Integrated or Multi-Media Inspections		4

OTHER INFORMATION		<sup>7</sup> No. of Audits
N. CalARP Program--Risk Management Plan Audits		12

\* The Report 3 counts of regulated businesses should be consistent with the counts shown on Report 2.

Report 4

## ANNUAL ENFORCEMENT SUMMARY REPORT

27 CCR § 15290

Completed By: \_\_\_\_\_

04/09/07

Date Submitted: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

06/07

Nevada Co.E.H.

CUPA: \_\_\_\_\_

VIOLATIONS INFORMATION					ENFORCEMENT ACTIONS TAKEN						
PROGRAM ELEMENTS	No. of Facilities with Violation Type				5 No. of Informal Enforcement Actions	6 Total No. of Formal Enforcement Actions Initiated within 135 Days of Inspection or Determining Violation (Class I or Class II only, excluding minor)	7 No. of Administrative Enforcement Actions	8 No. of Civil Enforcement Actions and Referrals	9 No. of Criminal Enforcement Actions and Referrals	10 Total Fines/ Penalties Assessed	11 Total Fines/ Penalties Collected
	1 Class I	2 Class II (excluding minor)	3 Minor	4 Other							
A. Hazardous Materials Release Response Plans (HMRRP)				24	12	1	0	1	1	\$1,250	\$1,250
B. California Accidental Release Prevention (CalARP)				1	0	0	0	0	0	0	0
C. Underground Storage Tank (UST) Facilities				28	12	1	0	1	0	\$65,000	\$65,000
D. Aboveground Petroleum Storage Tank (AST) Facilities				0	0	0	0	0	0	0	0
E. Hazardous Waste Generators (All)	1	2	20	0	5	0	0	1	1	0	0
F. RCRA Large Quantity Generators (LQG) (a subset of E)	0	0	0	0	0	0	0	0	0	0	0
G. Recyclers	0	1	0	0	0	1	1	0	0	0	0
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	0	0	0	0	0	0	0	0	0	0	0
I. Permit by Rule (PBR) --Household HW (HHW)	0	0	0	1	0	0	0	0	0	0	0

## BIENNIAL TIERED PERMITTING RELEASE REPORT

27 CCR § 15290 and HSC 25171.5(a)(2)

Completed By:

04/09/07

Date Submitted:

Fiscal Year: 06/07

Nevada Co. E.H.

CUPA:

[illegible]

*(add additional rows as needed)*

Report 6

**QUARTERLY UNDERGROUND STORAGE TANK PROGRAM REPORT**  
27 CCR §15290 and 23 CCR § 2713

Quarter:	Oct-Dec 2006	to	CUPA:	Nevada Co. E.H.
STATUS OR ACTIVITY		A. Information as of _____ (Provided quarterly by SWRCB)		B. Changes This Quarter
I. Regulated Facilities With UST Systems		45		1
II. Petroleum UST Systems				
2A. Active		129		-8
2B. Permanently Closed		382		0
III. Hazardous Substance UST Systems				
3A. Active		8		0
3B. Permanently Closed		70		0
IV. Active UST Systems With Approved Leak Detection Systems		120		0
4a. Percent of active UST systems with approved leak detection systems		100		
V. Active UST Systems Meeting 1998 Upgrade/Replacement Requirements		119		0
5a. Percent of active UST systems meeting 1998 requirements		99.9		
VI. Completed UST Facility Inspections		12		12

Information provided by: Stacie Badgett Phone: (530) 582-7709 Date: 1/26/07

Comments:

## Cal/EPA's Response to Nevada County's Deficiency Progress Report

**CUPA: Nevada County Environmental Health Department**

**Date of Evaluation: May 2005**

**Date the report was submitted: April 9, 2007**

### **Cal/EPA's response to the deficiencies**

1. The CUPA has not inspected all businesses subject to the Business Plan, CalARP, and Hazardous Waste programs.

**Cal/EPA Response:** This deficiency is in progress of being corrected. Cal/EPA will continue to monitor the progress the CUPA is making towards correcting this deficiency via the deficiency progress reports until the CUPA is meeting the required inspection frequencies.

2. The CUPA is not assessing or collecting the CalARP surcharge from the 9 stationary sources in Nevada County.

**Cal/EPA Response:** This deficiency was previously corrected – No further updates are needed for this deficiency.

3. The CUPA has not ensured that businesses, found to have minor violations, are submitting certifications that indicate the business has returned to compliance within the mandated 30 day timeframe.

**Cal/EPA Response:** This deficiency was previously corrected – No further updates are needed for this deficiency.

4. The CUPA has not completed any annual self audit reports since they were certified by Cal/EPA.

**Cal/EPA Response:** This deficiency has been adequately addressed. A self-audit was submitted with this update; therefore, Cal/EPA considers this deficiency corrected. No further updates are needed for this deficiency.

5. The CUPA is not adequately tracking information, which is necessary to accurately complete the annual state summary reports.

**Cal/EPA Response:** This deficiency is in progress of being corrected and Cal/EPA will continue to monitor the progress via deficiency progress reports until the new software system is able to accurately track and produce the required information. The CUPA estimates this should be completed in July 2007.

6. The CUPA's operating permit does not contain all the required conditions.

**Cal/EPA Response:** This deficiency was previously corrected – No further updates are needed for this deficiency.

7. The files do not contain current UST operating permits.

**Cal/EPA Response:** This deficiency was previously corrected – No further updates are needed for this deficiency.

8. The CUPA is not ensuring that businesses certify, at least once every three years, that the businesses have reviewed and updated the Business Plans.

**Cal/EPA Response:** The progress for correcting this deficiency was not specifically mentioned in the update submitted on April 9, 2007. However, the meeting notes from the August 31, 2006 meeting between Cal/EPA and the CUPA indicated, "CUPA will be implementing a process, using the upgraded database system, to assist in the tracking of those businesses who have not submitted their annual inventory or certification of no change. The CUPA will document this process and the specific procedure to be followed by CUPA staff by December 2006."

Submit the specific procedure to be followed by the CUPA staff for addressing this deficiency in the next deficiency progress report.

9. The CUPA is not regulating agricultural handlers under the Business Plan Program.

**Cal/EPA Response:** This deficiency in progress of being corrected and Cal/EPA will continue to track the progress the CUPA is making towards correcting this deficiency in the deficiency progress reports.

10. The CUPA has not established or implemented a CalARP dispute resolution process.

**Cal/EPA Response:** This deficiency was previously corrected – No further updates are needed for this deficiency.

11. The CUPA has not taken appropriate enforcement for violations.

**Cal/EPA Response:** This deficiency has been corrected. Cal/EPA considers this deficiency corrected since the CUPA initiated and completed formal enforcement against a hazardous waste generator as demonstrate by the recent settlement and collection of a penalty against Franza. No further updates are needed for this deficiency.

**Over all CUPA Progress:** The CUPA is making good progress towards correcting the remaining deficiencies. Cal/EPA will monitor the progress the CUPA is making towards correcting the remaining deficiencies via deficiency progress reports. Deficiency progress reports are due every 90 days until all the deficiencies are corrected. The next deficiency progress report is due July 8, 2007.